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## DEPARTMENT OF ENERGY

### NOTIFICATION

The 3rd February 2011

No. 835—R & R-II-20/2011—In exercise of the powers conferred by sub-section (4) of Section 16 of the Energy Conservation Act, 2001 (52 of 2001), the State Government do hereby make the following rules for promotion of efficient use of energy and its conservation, namely:—

#### 1. Short title and commencement :

- (i) These rules may be called the Orissa State Energy Conservation Fund Rules, 2011
- (ii) They shall come into force on the date of their publication in the *Orissa Gazette*

#### 2. Definitions :

(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Energy Conservation Act, 2001 (Act 52 of 2001),
- (b) Bureau means “Bureau of Energy Efficiency”, established under sub-section (1) of Section 3 of the Act,
- (c) Commission means “Orissa Electricity Regulatory Commission”,
- (d) “EIC” means the Engineer-in-Chief (Electricity)-*cum*-Principal Chief Electrical Inspector, Orissa, nominated as State Designated Agency as per provision 15 (d) of the Act,
- (e) “Government” means Government of Orissa,
- (f) “Orissa State Energy Conservation Fund” (O.S.E.C.F.) means the fund established under Section 16 of the Act,
- (g) “Section” means the section of the Act,
- (h) “State Designated Agency” (S.D.A.) means Engineer-in-Chief (Electricity)-*cum*-Principal Chief Electrical Inspector, Orissa, nominated as State Designated Agency as per provision 15 (d) of the Act,
- (i) “S.L.S.C.” means the State Level Steering Committee for Orissa State Energy Conservation Fund constituted under these rules.

2. All other words and expression used herein but not defined shall have the same meaning as respectively assigned to them in the Act.

**3. Constitution of the Orissa State Energy Conservation Fund—The fund shall be credited with the following:—**

- (a) All grants and loans that may be made by the State Government or Central Government or given by any autonomous body/ agency/ company/ individual body for the stated purpose.
- (b) The proceeds of any tax, levy or duty/ cess imposed by State Government for the stated purpose.
- (c) All fees and interest income received by S.D.A.
- (d) All sums received by S.D.A. from such other sources as may be decided by Central Government or State Government or Commission.

**4. Application of Fund—The fund shall be applied for following purpose, namely:—**

- (i) to incur expenditure through State Designated Agency for various awareness programmes for disseminating information to individual consumers, industries, commercial organizations, students, farmers, etc., regarding energy conservation and efficient use thereof;
- (ii) to meet the expenditure incurred by the State Designated Agency (S.D.A.) for training of personnel and specialists for efficient use of energy and its conservation;
- (iii) for promotion of Research and Development in the field of Energy Conservation ;
- (iv) to develop testing and certification procedure, in creation of testing facilities for certification and verification testing of energy consumption of equipments and appliances ;
- (v) to develop and execute demonstration projects related to energy conservation and energy efficiency for encouragement and to contribute in the projects of Bureau of Energy Efficiency and Central Government ;
- (vi) to promote the use of energy efficient processes for equipments, devices and systems;
- (vii) to meet the matching grant to the Centrally Sponsored Schemes and Schemes of Bureau of Energy Efficiency implemented in the State of Orissa;
- (viii) to meet the expenses incurred by the State Designated Agency for implementing the provisions of the Act; and
- (ix) to meet the expenses incurred by S.D.A. on officers and staffs for dedicated Energy Conservation Cell.

## 5. State Level Steering Committee (S.L.S.C.)

(I) The Government shall constitute a State Level Steering Committee with the following members:—

- |   |    |                      |
|---|----|----------------------|
| (i) Commissioner- <i>cum</i> -Secretary to Government,<br>Department of Energy.               | .. | Chairman             |
| (ii) Additional Secretary to Government, Department of Energy                                 | .. | Member               |
| (iii) Financial Advisor to Government, Department of Energy                                   | .. | Member               |
| (iv) Engineer-in-Chief( Elect.)- <i>cum</i> -Principal<br>Chief Electrical Inspector, Orissa. | .. | Member               |
| (v) Chief Electrical Inspector (Transmission & Distribution), Orissa.                         | .. | Member               |
| (vi) Chief Engineer (Projects)- <i>cum</i> -Chief Electrical<br>Inspector(Generation).        | .. | Member-<br>Convenor. |

(II) The meeting of S.L.S.C. shall be held at least once in every three months

(III) The S.L.S.C. shall have the following functions namely:—

- (a) to provide guidance and support to S.D.A. for carrying out the energy conservation activities through Orissa State Energy Conservation Fund ;
- (b) to approve the annual budgets for carrying out the energy conservation activities by S.D.A. from the Orissa State Energy Conservation Fund;
- (c) to review and monitor the progress of activities carried out by S.D.A. from funds of Orissa State Energy Conservation Fund; and
- (d) to review the quarterly report of receipts and expenses made by the S.D.A. from the fund.

## 6. Operation of the Fund:

(1) The fund shall be administered by State Designated Agency, i.e. EIC or an Officer in the S.D.A. authorized by him through appropriate orders under intimation to Government in the following manner, namely:—

- (a) The S.D.A. shall maintain the Fund with any Nationalized Bank as the main account at the headquarters of S.D.A. and with subsidiary accounts at such other branches of the said Bank as the S.D.A. considers appropriate;
- (b) All sums received by S.D.A. shall be deposited into the Fund without delay. In no case cash transactions are to be made by the S.D.A. Receipts/acknowledgement shall be issued wherever applicable; and
- (c) Any interest accrued in the account shall be treated as an income to the Fund.

(2) Views of Accounts Officer of the office when available shall be taken prior to approval of expenditure (except petty expenses) on Projects/Scheme.

(3) An Officer of the establishment of S.D.A. not below the rank of Executive Engineer shall be authorized by S.D.A. to discharge the functions of Drawing and Disbursing Officers(D.D.O.) of the Fund.

(4) In maintaining accounts, records, cash and cheques, deposits into and out of the "Fund" general guidelines of the Government shall be observed wherever applicable. All assets shall be maintained as per provisions in the O.P.W.D. Code.

(5) Appropriate travelling rules of Government of Orissa shall be applicable for the officers and staffs of S.D.A. for journey inside or outside the State in connection with activities proposed or recommended by BEE or related to the S.D.A. for energy conservation and energy efficiency works. The cost of such expenses shall be borne from the fund. The EIC as the head of the S.D.A. shall be entitled to approve all such journeys for the officers and staffs of S.D.A.

(6) The State Designated Agency (S.D.A.) shall prepare the annual budget for activities to be funded from Orissa S.E.C.F. before beginning of the financial year and get it approved by the State Level Steering Committee.

(7) The State Designated Agency (S.D.A.) shall utilize the funds available in O.S.E.C.F. as per the budget approved by the State Level Steering Committee following the financial rules & procedures and delegation of powers as per the provisions of the O.P.W.D. Code.

(8) The State Designated Agency (S.D.A.) shall maintain separate accounts for the Fund and shall furnish six monthly income and expenditure to State Level Steering Committee on regular basis.

**7. Area of Applicability:**—Any amount credited to the "fund" shall not be utilized for any purpose other than the purpose specified in the Act or these Rules.

**8. Annual Report:**—The S.D.A. shall prepare in such form and at such time in each financial year as may be prescribed, its annual report, giving full account of its activities during previous financial year, and submit a copy duly approved by S.L.S.C. to the State Government.

**9. Account and Audit of the "Fund":**

- (1) S.D.A. shall maintain proper accounts and relevant records generally consistent with procedures of Government of Orissa and prepare an annual statement of accounts;
- (2) the account of the S.D.A. shall be audited by the Accountant-General, Orissa at such intervals specified by him and any expenditure in connection with such audit shall be payable by the S.D.A. to A.-G. ; and
- (3) the A.-G. and any other person appointed by him in connection with audit of the account of S.D.A. shall have the same rights and privileges and authority in connection with such audit as the A.-G. has in connection with audit of Government Accounts.

**10. Conditions applicable to the Orissa State Energy Conservation Fund:**

- (i) The S.D.A. shall invest the surplus S.E.F.C. Fund in such a way that it earns best return on its investment in the Bank/Institution of the Government of India.

- (ii) The S.D.A. shall deposit the interest income earned from investment of S.E.C.F. in the Fund which shall be utilized for the purpose of promotion of efficient use of energy and its conservation within the State of Orissa as per the requirement of the Act.

**11. Closure of Fund:**

- (i) The fund shall remain operative so long as the relevant provision of the Act remains in at force.
- (ii) At the time of closure of the fund when the fund is no longer required, all the unspent balance under the same shall be remitted into the Government Treasury.

**12. Transfer of balance from existing account:—** The balance from the existing Bank account operated by the S.D.A., Orissa shall be transferred to the Orissa State Energy Conservation Fund after notification of the fund rule. A closure statement indicating details of all previous receipts and expenses shall be submitted by S.D.A. to Government.

**13. Power to issue instruction:—**The Government may issue instruction from time to time not inconsistent with the provisions of the Act and these Rules as they may consider necessary in order to regulate the matter not specifically covered by provisions of these rules.

**14. Power to remove difficulties:—**If any difficulty arises in giving effect to any of the provisions of these rules, the State Government may do or undertake, acts by a general or special order direct the S.D.A. to take suitable action not being inconsistent with the provisions of the Act, which appears for the State Government to be necessary or expedient for the purposes of removing difficulties.

By order of the Governor

P. K. JENA

Commissioner-*cum*-Secretary to Government